

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

TERESA BURGESS, #101670

PETITIONER

VERSUS

CIVIL ACTION NO. 3:07cv423-TSL-JCS

STATE OF MISSISSIPPI

RESPONDENT

ORDER TRANSFERRING CAUSE TO UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

Petitioner submitted to this court a petition for habeas corpus relief pursuant to 28 U.S.C. § 2254 and applications to proceed in forma pauperis. The petitioner indicates that she is currently serving a state sentence for the sale of controlled substance rendered by the Lowndes County Circuit Court, located in the Northern District of Mississippi. Petitioner is currently confined in the Central Mississippi Correctional Facility, Pearl, Mississippi, located in the Southern District of Mississippi.

Title 28 United States Code Section 2241(d) states that when a person files an application for a writ of habeas corpus and is in custody under the judgment and sentence of a State court with two or more Federal Judicial Districts, the application may be filed in the district court for the district where the person is in custody or in the district court for the district within which the State court was held which convicted and sentenced the person and each district shall have concurrent jurisdiction. Further, the district court in which the application is filed may in the exercise of its discretion and in furtherance of justice transfer

the application to the other district court for hearing and determination. Since petitioner is serving a state sentence from Lowndes County Circuit Court which is in the Northern District of Mississippi, this case will be transferred to the Northern District. In the exercise of this Court's discretion and in the furtherance of justice, it is hereby,

ORDERED that the applications to proceed in forma pauperis and petition for habeas relief are transferred to the United States District Court for the Northern District of Mississippi and shall be received in accordance with the orders and local rules of that court and any applicable statute or law.

SO ORDERED, this the 16th day of August, 2007.

/s/Tom S. Lee
UNITED STATES DISTRICT JUDGE